

REMARKS

Claims 1-8 are pending in the application. Favorable consideration is requested.

At the outset, applicant and the undersigned thank the Examiner and his SPE for their courtesies extended in the November 16 personal interview in this application (and the other application that has been allowed – serial no. 10/591,126). The undersigned realizes that handling the interview was difficult for the SPE due to the illness of her daughter. The undersigned sincerely thanks the SPE for her valuable time and effort.

As agreed in the interview, and as correctly stated in the Examiner's Interview Summary mailed on November 23, 2010, the claim 1 requirement "about the axis" does not apply to the cited Kawaguchi reference because Kawaguchi's material is "covering the axis." These distinctions are clearly shown in applicant's Figure 14 (where the dose axis is vertical) and Kawaguchi's Figure 9 (where the dose axis is horizontal).

If the Examiner and the SPE do not agree that the application is allowable, then the undersigned respectfully requests a phone call to discuss this case with the Examiner and the SPE because of the extensive and expensive prosecution of this application.

As mentioned in the interview, applicant once again relies on the detailed patentability positions set forth on pages 4-7 of the Amendment filed on July 6, 2010. In summary, and as discussed in the interview, this application is in allowable condition for at least the following reasons.

There are two independent claims: claims 1 and 5. Both of these claims include the same distinguishing features discussed at the interview. All other claims depend either directly or indirectly from claim 1.

The only rejection lodged against claims 1 and 5 is an obviousness rejection based solely on Kawaguchi (USP 5,403,529). As respectfully stated in the interview, the rejection fails to set forth a prima facie case of obviousness.

Claim 1 reads as follows:

1. A dose comprising:

a molten multilayer dose for compression molding, having an axis of symmetry for the realization of multilayer objects by compression molding, comprising

a first synthetic resin and

a functional layer imprisoned in said first resin, said functional layer representing less than 20% of the volume of the multilayer dose,

wherein the functional layer forms the shell of a body of revolution about the axis of symmetry and the distance from the functional layer to the axis of symmetry is variable as measured before compression molding.

As required by claim 1, the applicant's dose comprises "a molten multilayer dose for compression molding" ... "wherein the functional layer forms the shell of a body of revolution about the axis of symmetry and the distance from the functional layer to the axis of symmetry is variable as measured before compression molding." Kawaguchi nowhere discloses or suggests at least the foregoing underlined features – which are present in claims 1 and 5.

These claim features are shown in applicant's Figure 14 – which clearly shows the functional layer forming the shell of a body of revolution **about (around) the axis of symmetry**

and the distance from the functional layer to the axis of symmetry is variable as measured before compressing molding.

Kawaguchi nowhere discloses or suggests the foregoing configuration. Instead, Kawaguchi discloses a completely different configuration. As shown below in Figure 9 of Kawaguchi, the functional resin blob 116 is covering/cuts across the axis (the axis runs horizontally in Kawaguchi).

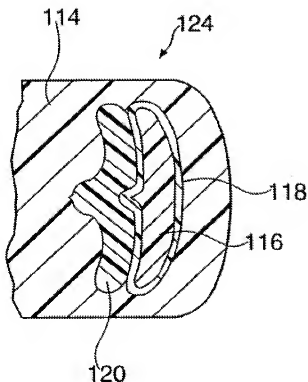


FIG. 9

Stated in more detail, Kawaguchi's inner synthetic resin that has alleged gas barrier properties is 116. This inner synthetic functional resin blob 116 is contained within an intermediate synthetic resin 118. A forced synthetic resin 120 is located next to the intermediate synthetic resin 118. Reference No. 124 corresponds to a cut composite synthetic resin material.

Kawaguchi's cut composite synthetic resin material is quite different than applicant's Figure 14 and claims 1 and 5. The Kawaguchi composite synthetic resin material does not have any functional layer that forms a shell of a body of revolution about the axis of symmetry.

Nor does Kawaguchi's composite synthetic resin material contain a functional layer forming a shell of a body of revolution about the axis of symmetry and the distance from the functional layer to the axis of symmetry is variable as measured before compression molding. This requisite distance is shown by "R" in Figure 14 of the subject application. As confirmed by a reading of claim 2, R cannot be 0. This further confirms that the functional layer forms a shell of a body of revolution about the axis of symmetry.

Kawaguchi actually teaches away from the claimed invention because Kawaguchi's solid blob 116 is covering/crosses over Kawaguchi's axis of symmetry. This is the antithesis of applicant's shell formed about (around) the axis of symmetry. Indeed, Kawaguchi's forced synthetic resin 120 would distort and destroy Kawaguchi's intended structure if resin 116 was anything other than a solid blob of resin covering/crossing the axis.

For at least the foregoing reasons, Kawaguchi does not render obvious independent claims 1 and 5 that contain the same distinguishing features.

In view of the fact that Kawaguchi does not provide any prima facie case of obviousness, applicant requests the withdrawal of the rejection of independent claims 1 and 5. All other claims are dependent on claim 1 and, therefore, are patentable for the same reasons that claim 1 is patentable.

For at least the foregoing reasons, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully submitted,

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